

WYOMING — State Laws by Topic

➤ AGE ◀

Under the Wyoming Fair Employment Practices Act, employers are prohibited from refusing to hire or promote, terminating, demoting, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on age.

Employers are also prohibited from reducing the wage of any employee to comply with this Act.

It is not an unlawful employment practice for an employer to observe the terms of a *bona fide* seniority system of an employee benefit plan, as long as the system or plan is not the result of an intent to discriminate.

For the purposes of the Act, age means at least 40 years old, and an employer is defined as a person employing two or more individuals within Wyoming.

➤ AIDS ◀

No provisions specified in the general employment context.

➤ ARRESTS/CONVICTIONS ◀

No general provision prohibiting an employer's collection and use of arrest or conviction records.

➤ BREAKS ◀

No provision.

➤ BREAST-FEEDING ◀

The act of breast-feeding an infant child in any place where the woman may legally be present does not constitute public indecency.

➤ CHILD LABOR ◀

Click on the following link <http://www.wyomingworkforce.org/employers-and-businesses/labor-standards/Pages/default.aspx> to access a guide to child labor requirements from the Wyoming Department of Employment, Labor Standards office.

➤ **CHILD SUPPORT** ◀

Employers served with a child support order must begin withholding with the next scheduled payday after the order is served. Amounts are remitted within seven days of payday. Notify the state court within 30 days if the employee-obligor terminates.

➤ **COURT ATTENDANCE** ◀

Employers are restricted from discharging employees for taking leave to be witnesses in criminal cases. Victims or witnesses, upon request, shall be assisted by law enforcement agencies, prosecuting attorneys, or defense attorneys in informing employers of the need for witness cooperation, which may necessitate absence from work.

➤ **DISABILITIES** ◀

Under the Wyoming Fair Employment Practices Act, employers are prohibited from refusing to hire or promote, terminating, demoting, or otherwise discriminating against an otherwise qualified individual with respect to compensation or terms, conditions, or privileges of employment based on disability.

Employers are also prohibited from reducing the wages of any employee to comply with this Act.

For the purposes of the Act, an employer is defined as a person employing two or more individuals within Wyoming.

➤ **DRUG TESTING** ◀

No statutory provisions.

➤ **FAMILIAL/MARITAL STATUS** ◀

No provisions specified in the general employment context.

➤ **FAMILY/MEDICAL LEAVE** ◀

See pregnancy.

➤ **GENETIC TESTING** ◀

No provisions specified in the general employment context.

➤ **HEALTH CARE CONTINUATION COVERAGE** ◀

Continuation coverage requirements apply to employer-sponsored group health plans that do not meet federal COBRA requirements. Eligible employees have the right to continue coverage for up to 12 months.

Click on the following link <http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title26/T26CH19AR1.htm> and scroll to section 26-19-113 to access the continuation coverage provision.

➤ **JURY DUTY** ◀

Employers cannot discharge, threaten to discharge, intimidate, or coerce employees because of jury service.

➤ **LIFESTYLE DISCRIMINATION** ◀

It is unlawful for an employer to require, as a condition of employment, that employees or prospective employees use or refrain from using tobacco products outside the course of employment. Also, employers must not otherwise discriminate against a person on the basis of use or non-use of tobacco products in compensation or other terms and conditions of employment, unless a *bona fide* occupational qualification exists. *Exceptions:* Religious organizations.

It is not a violation for an employer to offer, impose, or have in effect a health, disability, or life insurance policy that distinguishes between employees for type or price of coverage based on the use or non-use of tobacco products, as long as: 1) differential employee rates reflect an actual differential cost to the employer, and 2) the employer provides written notice to employees setting forth the differential rates imposed by the insurance carrier.

➤ **MASS LAYOFF NOTIFICATION** ◀

Employers must file with the state Employment Resources Center a mass separation notice that must include the layoff date and the period and amount of termination, severance, sick, or earned vacation payments, where applicable, for each employee. Such forms should be filed as soon as the employer has reason to believe a mass separation will occur, but shall be filed not later than five calendar days after such separation.

A mass separation is defined as a separation (permanently or for an indefinite period of time, or for an expected duration of seven or more days) at or about the same time and for the same reason of 25 or more workers employed in a single establishment.

➤ **MEDICAL DONATION LEAVE** ◀

No general provision.

➤ **MILITARY LEAVE** ◀

Reinstatement: Employees are entitled to reinstatement from military leave within 10 days of application, under the following conditions: 1) they gave advance written or verbal notice of service to their employer; 2) the length of the absence did not exceed five years; 3) they are capable of performing the job duties; and 4) they apply for reemployment within a set amount of time, depending on length of service.

Reinstatement is not required if it would be impossible or unreasonable due to a change in the employer's circumstances; it would create an undue hardship on the employer; or there was no reasonable expectation that employment would continue indefinitely or for a significant period.

➤ **MINIMUM WAGE** ◀

Minimum hourly wage/overtime rate: \$5.15/\$7.73.

Basis for overtime: Over 40 hours/week.

Opportunity wage for uuder 20-year-olds: None.

Note: Employers may pay a lower state minimum wage *only* if they're not covered by interstate commerce.

➤ **NATIONAL ORIGIN** ◀

Under the Wyoming Fair Employment Practices Act, employers are prohibited from refusing to hire or promote, terminating, demoting, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on national origin or ancestry.

Employers are also prohibited from reducing the wage of any employee to comply with this Act.

For the purposes of the Act, an employer is defined as a person employing two or more individuals within Wyoming.

➤ **NEW-HIRE REPORTING** ◀

Data to be reported: Employee's name, address, SSN, first day of work, rehires of former employees after being off the payroll for at least 60 consecutive days; employer's name, address, federal EIN.

Reporting deadline/form: Within 20 days of hire or rehire; on W-4s or through the state's website.

➤ **OVERTIME** ◀

Basis for overtime: Over 40 hours in a workweek.

➤ **PAY STATEMENTS** ◀

Information required: Itemized deductions.

➤ **PERSONNEL FILES** ◀

Public employers only. Public employees may have access to their personnel files, including application information, performance ratings, and scholastic achievement.

➤ **POLYGRAPH TESTING** ◀

No provisions specified in the general employment context.

➤ **POSTING REQUIREMENTS** ◀

Complete Labor Law Poster — All employers

Emergency Information — All employers

➤ **PREGNANCY** ◀

Coverage: Employers with two or more employees.

General rule: It is a discriminatory employment practice for an employer to refuse to hire or promote, to discharge, to demote, or to discriminate in compensation or terms, conditions, or privileges of employment against a person because of pregnancy.

➤ **RACE** ◀

Under the Wyoming Fair Employment Practices Act, employers are prohibited from refusing to hire or promote, terminating, demoting, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on race or color.

Employers are also prohibited from reducing the wage of any employee to comply with this Act.

For the purposes of the Act, an employer is defined as a person employing two or more individuals within Wyoming.

➤ **REFERENCES** ◀

References: Employers are not liable for disclosing, or the consequences of disclosing, information about the job performance of a former employee to a prospective employer. Immunity from liability will be lost if it is shown that the information was disclosed with the knowledge that it was false, deliberately misleading, or rendered with a malicious purpose.

Insurance companies. Insurance companies must obtain state and national criminal histories for initial licensees and individuals applying for positions as adjusters. To facilitate this, those individuals must submit their fingerprints to the insurance companies.

➤ **RELIGION** ◀

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➤ **REPORTING PAY** ◀

No provision.

➤ **SAFETY** ◀

Click on the following link <http://wyomingworkforce.org/contact/Pages/occupational-health-and-safety.aspx> to access Wyoming's Occupational Health and Safety home page, which has links to OSHA forms, compliance information, and standards.

➤ **SCHOOL VISITATION LEAVE** ◀

No provision.

➤ **SEX DISCRIMINATION** ◀

Under the Wyoming Fair Employment Practices Act, employers are prohibited from refusing to hire or promote, terminating, demoting, or otherwise discriminating against an individual with respect to compensation or terms, conditions, or privileges of employment based on sex.

Employers are also prohibited from reducing the wages of any employee to comply with this Act.

For the purposes of the Act, an employer is defined as a person employing two or more individuals within Wyoming.

➤ **SEXUAL HARASSMENT** ◀

In addition to protecting employees against discrimination, Wyoming's Anti-Discrimination policy prohibits any form of harassment based on sex.

➤ **SEXUAL ORIENTATION DISCRIMINATION** ◀

No provision.

➤ **SMOKING** ◀

See lifestyle discrimination.

➤ **SOCIAL SECURITY NUMBER PRIVACY** ◀

No workplace-applicable provision.

➤ **UNEMPLOYMENT INSURANCE** ◀

Click on the following link <http://www.wyomingworkforce.org/employers-and-businesses/unemployment-insurance/Pages/default.aspx> to access the Wyoming Department of Employment unemployment information home page for employers.

➤ **VACATION PAY UPON TERMINATION** ◀

The value of vacation leave that has accrued at the date an employee terminates is excluded from final wages if a written company policy provides that terminating employees forfeit their accrued vacation and employees acknowledge this policy in writing.

➤ **VIOLENCE** ◀

Public employers must abide by an executive order that prohibits violence, threats of violence, harassment, intimidation, and other disruptive workplace behaviors.

➤ **VOTING** ◀

Employees may be absent to vote one hour (other than meal breaks) between the opening and closing of polls, provided they do not have three consecutive non-working hours during the time the polls are open. The authorized hour to vote will be at the convenience of the employer.

Wages: Leave will be paid, provided the employee actually casts his/her vote.

➤ **WAGE DEDUCTIONS** ◀

No general provision.

➤ **WAGE GARNISHMENT** ◀

The lesser of 25% of disposable weekly pay, or the amount by which disposable weekly pay exceeds 30 times the federal minimum wage in effect during the week the garnishment is to occur, may be withheld. Employers may not terminate an employee because his/her disposable pay is subject to a creditor garnishment.

➤ **WAGE PAYMENT ON TERMINATION** ◀

Employee who quits: Next regular payday.

Employee who's fired: Next regular payday.

➤ **WAGE PAYMENTS** ◀

Payday requirements: Employer designates regular payday.

Direct deposit: Employers may not require employees to be paid electronically.

➤ **WHISTLEBLOWING** ◀

Employers may not discharge or in any manner discriminate against any employee because the employee:

- files a notice of complaint under the Wyoming Occupational Health and Safety Act;
- institutes or causes the institution of any proceeding under the Wyoming Occupational Health and Safety Act; or
- exercises any rights that the Wyoming Occupational Health and Safety Act affords.

➤ **WORK AUTHORIZATION** ◀

No general provision.

➤ **WORKERS' COMPENSATION** ◀

Click on the following link <http://www.wyomingworkforce.org/employers-and-businesses/workers-compensation/Pages/default.aspx> to access the Wyoming Department of Employment Workers' Compensation home page for employer services.